

REMARKS

Claims 1-18 are pending in this Application. Claim 1-3 and 6-18 stand rejected under 35 U.S.C. § 102(e) and claims 4-5 stand rejected under 35 U.S.C. § 103(a). Claims 1-6, 8-14, 16, and 17 have been amended. Applicants respectfully request reconsideration of the pending claims 1-18 in light of the amendments following remarks.

Examiner Interview

Applicants would like to extend their gratitude for the Examiner taking the time to discuss the application with Applicants' representative on March 9, 2003. Applicants' amendments to the claims and the following remarks are intended to be consistent with the interview discussion between Examiner and Applicants' representative.

Rejection of Claims 1-3 and 6-18 under 35 U.S.C. § 102(e) and Claims 4-5 under 35 U.S.C. § 103(a)

The Office Action rejected Claims 1-3 and 6-18 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,223,143 to Weinstock et al. ("Weinstock"), and claims 4-5 under 35 U.S.C. § 103(a) as being unpatentable over Weinstock in view of Consulting Services. Applicants have amended independent Claims 1, 10, 14, and 16, to more particularly describe the subject of the present invention. Applicants request reconsideration of the rejections in view of the following remarks.

Claims 1, 10, 14, and 16 now recite a series of interaction steps between a computer system, a user of the computer system, and an administrator of the computer system. Specifically, Claims 1, 10, 14, and 16 now recite that the computer system requires the user to specify a compliance rating for each one of the control procedures associated with a particular risk selected by the user. Claims 1, 10, 14, and 16 further recite that the control procedures are used to mitigate the selected risk, or lessen the likelihood that the risk would materialize. Conversely, Weinstock does not teach or disclose identifying control procedures which are deemed as a means to mitigate, or prevent risk. Rather, Weinstock recites a system where the user provides data as to faults that serve as catalysts, or contributors, to an overall system risk, which is being assessed. Col. 3, ll. 3-33. Moreover, because Weinstock is focused on the interaction between various faults contributing to an overall risk, there is no need to receive a user characterization of every possible contributing fault. Instead, Weinstock only receives quantification for failure modes that have been selected by the user and entered into the model. Col. 9, ll. 29-36. Moreover, Weinstock does not require data for certain mitigating procedures, which were selected by an administrator. Therefore, Claims 1, 10, 14, and 16 are allowable over Weinstock for at least this reason alone.

Claims 2-9 are dependent (directly or indirectly) on claim 1; claims 11-13 are dependent (directly or indirectly) on claim 10; claim 15 is dependent from claim 14; and claims 17-18 are dependent on claim 16, and are believed patentable, among other reasons, by virtue of such dependency.

SUMMARY

Applicants have amended the claims to overcome the 35 U.S.C. § 102(e) and § 103(a) rejections. In view of the forgoing supporting remarks and amendments, Applicants respectfully request allowance of pending claims 1-18.

If the Examiner wishes to direct any questions concerning this application to the undersigned Applicants' representative, please call the number indicated below.

Dated: April 5, 2004

Respectfully submitted,



Guy Perry Reg. No. 46,194

Attorneys for Applicants
(212) 735-3000
Skadden, Arps, Slate, Meagher & Flom LLP
Four Times Square
New York, NY 10036